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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

AUG 23 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of:

| | | |
|---|---|------------------------|
| Request for Review of Denial by the |) | |
| Universal Service Administrative Company |) | |
| Schools and Libraries Division |) | |
| Of Request for Funding Submitted by |) | |
| Colegio San Antonio |) | Application No. 434925 |
| |) | |
| Federal-State Board on Universal Service |) | CC Docket No. 96-45 |
| |) | |
| Changes to the board of Directors of the |) | |
| National Exchange Carrier Association, Inc. |) | CC Docket No. 97-21 |
| |) | |
| Schools and Libraries Universal Service |) | |
| Support Mechanism |) | CC Docket No. 02-6 |
| |) | |

To: The Commission

**REQUEST FOR REVIEW AND
REQUEST FOR WAIVER OF SECTION 54.504(C).**

Pursuant to Sections 54.719(c), 54.720, and 54.721 of the Commission's rules, 47 C.F.R. Sec. 54.719(c), 54.720, and 54.721, the Colegio San Antonio ("San Antonio") requests Commission review of the attached action of the Universal Service Administrative Company, Schools and Libraries Division ("SLD"), dated June 23, 2004. San Antonio Exhibit A. In that decision, the SLD, without consideration, denied San Antonio's request for funding for year 2004 (July 1, 2004 through June 30, 2005).

For the reasons set forth below, San Antonio hereby requests review of the SLD's conclusion that San Antonio's Form 471 application was incomplete or did not meet minimum standards. San Antonio respectfully urges the Commission to direct the SLD

No. of Copies rec'd 074
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to accept the re-submission by San Antonio of Form 471 with the proper Worksheet A for schools.

Furthermore, pursuant to Section 1.925 of the Commission's Rules, 47 C.F.R. Sec. 1.925, San Antonio requests a waiver of Section 54.504(c) of the Commission's Rules, 47 C.F.R. Sec. 54.504(c), to the extent necessary to permit SLD to associate the San Antonio's Worksheet A for schools with San Antonio's re-filed Form 471.

I Background

This Request for Review addresses the San Antonio application for funding identified by the following information (San Antonio Exhibit B: Form 471):

Funding Year: 2004-2005
Applicant Name: Colegio San Antonio
Form 471 Application Number: 434925
Entity Number: 205387

The subject of this Request for Review is the SLD's denial of San Antonio's appeal regarding the dismissal of San Antonio's Form 471. The SLD denial of appeal occurred in a letter titled "Administrator's Decision on Appeal – Funding Year 2004-2005," dated June 23, 2004. Without providing its analysis or rationale, the SLD concluded as follows:

Upon thorough review of your appeal letter and the relevant documentation, it is determined that the originally submitted Form 471, Block 4 Worksheet was not relevant to the "Type of Application" selected in Block 1, Item 5 of your Form 471. As a result, the application was rejected for failure to meet minimum processing standards. Although on appeal you submit a corrected Block 4 Worksheet, program rules require that in order to receive consideration within the Funding Year 2004 window, completed Forms 471 must be received by the SLD or postmarked no later than February 4, 2004. Consequently, the corrected Block 4 Worksheet, which was received April 15, 2004, cannot be accepted. Program rules require applicants to ensure that all forms are correct and submitted to the

SLD in a timely manner. Consequently, the Form 471 application will not be considered for funding and your appeal is denied.

Administrator's Decision on Appeal – Funding Year 2004-2005, at 1-2, dated June 23, 2004. See San Antonio Exhibit A.

II The Totality of the Circumstances Warrants a Remand to SLD and Further Processing of San Antonio's Form 471 Application

Commission precedent provides for consideration of a Request for Review based on the "totality of the circumstances." In the Naperville Order, the Commission considered several factors when deciding to grant a review and remand for the school district of Naperville, Illinois. *Request for Review of a Decision of the Universal Service Administrative Co. by Naperville Community Unit, School District 203, Naperville, Illinois*, Order, 23 Comm. Reg. (P&F) 722, 16 FCC Rcd 5032 (2001). In *Naperville*, when a school district requested review of its denied application, the Commission considered several factors, including that there was a revised application form, that information could easily be discerned from other information, that the application was otherwise complete, and that there was no indication of an intention to mislead or deceive the SLD staff. *Id.* at para. 12-16. Here, the factors vary somewhat from those stated in *Naperville*, however, the balance similarly swings in favor of San Antonio for a remand to SLD and further processing of its application.

A. San Antonio Submitted its Form 471 in Good Faith Belief and Without Intention to Deceive SLD Staff.

When San Antonio submitted the Form 471, it submitted the worksheet for libraries, Worksheet B, rather than the worksheet for schools, Worksheet A. The San Antonio staff believed that the library worksheet was the correct worksheet to submit because the funded services will be provided in the school's library.

There was and is no intention by San Antonio staff to deceive or mislead the SLD staff or to defraud the E-rate system. San Antonio asks the Commission to consider this factor as it did when it granted review in the Naperville case. *See e.g., Naperville*, at para. 15 ("There is no indication that Naperville intended to deceive or mislead SLD by the omission.").

San Antonio submitted the correct information upon notification by the SLD staff that its application was missing Worksheet A (San Antonio Exhibit B: Form 471). San Antonio assumed that its Form 471 was complete and had been accepted by SLD until it received the unprocessed form with the referenced Rejection Letter. San Antonio had no reason to amend its application before the filing window closed on February 4 because it had not yet received notice from the SLD staff that its Form 471 needed the Worksheet A. The SLD's Rejection Letter noted that Worksheet A for schools was the correct worksheet to submit. Once San Antonio received the SLD's notice, San Antonio acted promptly to provide the correct Worksheet A for schools, along with its Appeal to the SLD (San Antonio Exhibit C: Appeal filed with SLD).

B. The Spanish-Speaking Staff at San Antonio Made Diligent Efforts To Comply with SLD's Requirements.

The funding year 2004 is the first year that San Antonio staff prepared the Form 471 application without assistance. In previous years, applications for San Antonio were prepared and submitted with assistance of the staff of a consortium of schools and libraries – the Consorcio de Escuelas y Bibliotecas (“Consorcio”). The Consorcio has disbanded and, thus, San Antonio staff was obliged to prepare and submit the 2004 application without the knowledge and experience of the Consorcio’s staff.

In addition, the primary language in Puerto Rico is Spanish and the San Antonio staff members were making a diligent effort to comply with the SLD’s English-only forms and instructions. San Antonio requests the FCC consider the Spanish-language factor in determining its efforts to comply with the SLD requirements. The Commission needs only to consider the reverse situation: how difficult it would be for the English-speaking staff in a mainland school to comply with forms and instructions written entirely in Spanish.

C. San Antonio’s Application Was Otherwise Substantially Complete and Submitted in a Timely Manner.

San Antonio submitted its request for funding in a timely manner, submitting the Form 471 on January 30, 2004, several days before the February 4 filing deadline. The SLD staff reviewed the Form 471 but did not notify San Antonio of any incorrect or missing information within the filing window, notwithstanding the fact that San Antonio provided on the Form 471 contact information for its representative. Thus, San Antonio did not learn of the worksheet problem until March 15, 2004, when it received the SLD “Form 471 Rejection Letter” (San Antonio Exhibit D: Rejection Letter). On March 31,

2004, San Antonio submitted to SLD the proper Worksheet A, along with its appeal of the Rejection Letter (See San Antonio Exhibit B: Form 471 and San Antonio Exhibit C: Appeal). However, by the time the application was reviewed by SLD staff, sent to San Antonio, and made its way through the postal system, it was not possible for San Antonio to re-submit the worksheet before the February 4 deadline.

It is worth noting that, under Puerto Rico law, ALL of the public schools in Puerto Rico are considered eligible for the federal school lunch program. Therefore, there should be a presumption of eligibility for the national school lunch program when a school in Puerto Rico is involved. Given the high eligibility rate in Puerto Rico, any information “missing” on the Worksheet A was unnecessary in the context of San Antonio’s application. SLD is well aware of this school-lunch-eligibility issue as the Consorcio raised the issue in connection with the funding applications of several Puerto Rico schools and the issue is the subject of a Request for Review under consideration at the Commission. Consorcio de Escuelas y Bibliotecas de Puerto Rico, Request for Review of Decision of the Universal Service Administrative Co., CC Docket 02-6, filed Jan. 23, 2004 (See San Antonio Exhibit E: Consorcio Request for Review, pertinent pages).

With the school-lunch eligibility not at issue for Puerto Rico schools, the instant case becomes merely a question of the submission of the wrong form without substantive effect. Commission staff previously granted review under similar circumstances as San Antonio finds itself. Specifically, the Telecommunications Access Policy Division, Wireline Competition Bureau, granted a remand back to SLD when the Wakefield school consortium submitted the worksheet for schools – Worksheet A – rather than the correct

worksheet for consortia – Worksheet C. *Request for Review of the Decision of the Universal Service Administrator regarding Educational Service Unit 1, Wakefield, Nebraska*, Order, DA 04-294, released Feb. 6, 2004. There, the Commission granted review, concluding that an applicant filing a consortium application “could have reasonably determined that a completed Worksheet A satisfied the relevant worksheet requirement.” *Id.* at para. 3. San Antonio asks for comparable consideration here as the San Antonio staff reasonably concluded that the library worksheet was needed because the services would be provided in the school’s library.

D Grant of this Request for Review Is in the Public Interest.

San Antonio is requesting funding so that it may provide communications services to its 537 students in rural Puerto Rico. In most cases, these students have no other means of advanced communications other than what is made available through the public school. As stated in Worksheet A, all students in the school are eligible for the National School Lunch Program. See San Antonio Exhibit B: Form 471.

San Antonio requests review by the Commission so that its application can be processed by the SLD and funding may be awarded for the benefit of these students who need the eligible communications services.

III REQUEST FOR WAIVER

San Antonio further requests a waiver of the Commission’s Rule 54.504(c), 47 C.F.R. Sec. 54.504(c), to the extent necessary to allow the SLD to accept the correct Worksheet A submitted by San Antonio. The circumstances discussed herein fully support a waiver of the Form 471 Worksheet requirement.

Section 1.925 of the Commission's rules authorizes a waiver under unusual or unique circumstances in which application of the rule would be inequitable, unduly burdensome or contrary to the public interest. San Antonio demonstrates unique and unusual circumstances in that, unlike schools on the mainland US, the primary language of staff at San Antonio is Spanish, while the forms and instructions are printed entirely in the English language.

IV CONCLUSION

For the foregoing reasons, it is in the public interest and consistent with precedent for the Commission to grant San Antonio's Request for Review. San Antonio respectfully asks the Commission to remand its application back to SLD with direction to process the re-submission of the Form 471 and Worksheet A for schools.

Respectfully Submitted,



Rudolph J. Geist
Loretta J. Garcia
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Exhibits

CC: Schools and Libraries Division
Universal Service Administrative Co.
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

**SAN ANTONIO
EXHIBIT A**

**SLD DECISION ON APPEAL
FUNDING YEAR 2004-2005**



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2004-2005

June 23, 2004

James Santos
Colegio San Antonio de Isabela
Box 897
Isabela, Puerto Rico 00662

Re: Billed Entity Number: 205387
471 Application Number: 434925
Funding Request Number(s): 1212504, 1212505, 1212506
Your Correspondence Received: April 15, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision regarding your appeal of the SLD's Funding Year 2004 Form 471 Rejection Letter for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one application number, please note that for each application an appeal is submitted, a separate letter is sent.

Funding Request Number: 1212504, 1212505, 1212506
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you seek reversal of the SLD's decision to reject the Form 471 Services Ordered and Certification for failure to submit a Form 471 that contained at least one complete Block 4 Worksheet relevant to the "Type of Application" selected in Block 1, Item 5. In support of your request, you assert that due to your inexperience completing the form, you erroneously included a Block 4, Discount Calculation Worksheet for Libraries because the services you were requesting were for the school library. Therefore, you ask the SLD to accept the corrected Block 4, Discount Calculation Worksheet for Schools and School Districts included with your Letter of Appeal.
- Upon thorough review of your appeal letter and the relevant documentation, it is determined that the originally submitted Form 471, Block 4 Worksheet was not relevant to the "Type of Application" selected in Block 1, Item 5 of your Form 471. As a result, the application was rejected for failure to meet minimum processing

standards. Although on appeal you submit a corrected Block 4 Worksheet, program rules require that in order to receive consideration within the Funding Year 2004 window, completed Forms 471 must be received by the SLD or postmarked no later than February 4, 2004. Consequently, the corrected Block 4 Worksheet, which was received April 15, 2004, cannot be accepted. Program rules require applicants to ensure that all forms are correct and submitted to the SLD in a timely manner. Consequently, the Form 471 application will not be considered for funding and your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

**SAN ANTONIO
EXHIBIT B**

**SAN ANTONIO
FORM 471**

FCC Form 471

Approval by OMB
3060-0806

NEC47102-09-040530043

School Universal Service
Services Ordered and Certification Form 471

Estimated Average Burden Hours Per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier:

(Create your own code to identify THIS Form 471)

JJs

Form 471 Application #

434925

(To be inserted by Fund Administrator)

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the services listed on this form.)

| | |
|---|----------------------------|
| 1 Name of Billed Entity Colegio San Antonio | |
| 2 Funding Year: July 1, 2004 through June 30, 2005 | 3 Entity Number 205387 |
| 4 a Street Address, P.O. Box, or Route Number Box 897 Calle Corchado #26 | |
| City Isabela | |
| State PR | Zip Code 00662 |
| b Telephone Number (787)872-2406 | c Fax Number (787)872-2406 |
| d E-mail Address | |
| 5 Type of Application | |
| <input checked="" type="checkbox"/> School (public or non-public school) <input type="checkbox"/> School District (LEA; public or non-public (e.g., diocesan) local district representing multiple schools) <input type="checkbox"/> Library (library (i.e. outlet/branch, system)) <input type="checkbox"/> Consortium Check here if any members of this consortium are ineligible non-governmental entities. | |
| 6 a Contact Person's Name James J. Santos | |
| First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box MUST be checked.) | |
| b Street Address, P.O. Box, or Route Number Po Box 897 Calle Corchado #26 | |
| City Isabela | |
| State PR | Zip Code 00662 |
| c Telephone Number (787)872-2406 | d Fax (787)872-2406 |
| e E-mail Address jmjsanto@prtc.net | |
| f Holiday/vacation/summer contact information: N/A | |

Entity Number 205387 Applicant's Form Identifier JJs
 Contact Person James J. Santos Phone Number (787)872-2406

Block 2: Minor Modification to Existing Contract?

- 7 Check if this Form 471 represents a minor modification, such as a modification of services, to a Form 471 for which you already have a Receipt Acknowledgment Letter. Provide the data requested below, attach a Description of Services highlighting the modified service, and sign Block 6.

Form 471
Application #:

Funding
Request
Number

Minor modification requests can be filed MANUALLY only. Please see www.sl.universalservice.org for filing instructions.

Block 3: Impact of Services Ordered in THIS Application

- 8 Please provide your best estimate of the number of people who will be served by all of the services ordered in THIS Form 471. Schools/school districts complete 8a. Libraries complete 8b. Consortia complete 8a and/or 8b.

a Number of students
to be served

N/A

b Number of library
patrons to be served

530 Monthly

- 9 The following questions seek summary outcome information based on the services ordered in this Form 471 application. Please complete only those rows that are relevant to THIS application.

| IF THIS APPLICATION INCLUDES... | | BEFORE ORDER | AFTER ORDER |
|---------------------------------|--|--------------|---------------------------|
| a | (Schools/districts/consortia only) Telephone service: How many classrooms had phone service before and after your order? | | |
| b | High-bandwidth voice/data/video service: How many buildings served before and after your order? | 0 | 1 |
| c | High-bandwidth voice/data/video service: Highest speed to a building before and after your order? | 1.5MBPS | 1.5Mbps |
| d | Dial-up Internet connections: How many before and after your order? | 1 | N/A |
| e | Dial-up Internet connections: Highest speed before and after your order? | 1 | N/A |
| f | Direct connections to the Internet: How many before and after your order? | 1 | 1 PRIVATE VIRTUAL CIRCUIT |
| g | Direct connections to the Internet: Highest speed before and after your order? | 0 | 2Mbps |
| h | Internet access (for schools): How many rooms have Internet access before and after your order? | 0 | N/A |
| i | Internet access (for libraries): How many buildings have Internet access before and after your order? | 1 | 2 |
| j | Internet access: How many computers (or other devices) with Internet access before and after your order? | 20 | 20 |
| k | Other technology outcomes: (please specify): | | |

Block 4: Discount Calculation Worksheets (pages 3a, 3b, and 3c)

The following 3 pages (3a, 3b, and 3c) are Block 4 worksheets for use in calculating your discount for services. You will complete one or more depending on the type of application you are filing. Each worksheet has instructions.

- If you are filing as a school or a school district, use Worksheet A (page 3a).
- If you are filing as a library (i.e. outlet/branch, system), use Worksheet B (page 3b).
- If you are filing as a consortium, use Worksheet C (page 3c), and include as many Worksheets A and B as you need for back-up documentation.



Entity Number 205387Applicant's Form Identifier JJsContact Person James J. SantosPhone Number 787-872-2406

Block 4: Discount Calculation Worksheet A for Schools/School Districts

Worksheet #A-1

Page 1 of 1

Instructions: If you are filing a School/School District application, use this worksheet to calculate the discount rate for site-specific services and/or to determine the weighted average discount calculations for shared services.

(For Administrator's Use)

10a If you are:

- Applying for discounts **ONLY** for an individual school, or **ONLY** site-specific services: Complete columns 1-7 only for each school. Add and number pages as needed. Then use each school's Entity Number and its discount from Column 7 to complete Block 5 site-specific service to that school.
- Applying for discounts on services shared by **ALL** schools in the district (with or without site-specific services as well): Complete all columns 1-8 for all schools in the district. Then use the Weighted Average Discount in 10c (below) to complete Block 5 for shared services.
- Applying for discounts on different shared services shared by different groups of schools (with or without site-specific services as well): Complete one worksheet, columns 1-8 PLUS 10c, for EACH different group of schools sharing a service. Designate this worksheet A-1, A-2, A-3, etc.

10b List entities and calculate discount(s).

School District Name:

School District Entity Number:

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---------------|-----------------------|---------------------|---------------------------------|---|---------------------------------|---|
| Name of Eligible School | Entity Number | Urban or Rural U or R | Total # of Students | # of Students Eligible for NSLP | % Students Eligible for NSLP (Col. 5 - Col. 4) | Discount % from Discount Matrix | Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7) |
| Colegio San Antonio | 205387 | R | 537 | 537 | 537 | 90% | 90% |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Totals for calculating Weighted Average Discount | | | | | | | |

10c Weighted Average Discount % for Shared Services (Col. 8 total divided by Col. 4 total. Round to nearest %) 90 %



Applicant's Form Identifier JJs

Phone Number (787)872-2406

Block 4: Discount Calculation Worksheet B for Libraries

Worksheet #B-

Page 1 of 1

Instructions: If you are filing a library application, use this worksheet to calculate the discount rate(s) for outlets/branches and systems.

(For Administrator's Use)

10a If you are:

- **Applying for discounts ONLY for one outlet/branch or ONLY for site-specific services:** Complete columns 1-4 only for each outlet/branch. Add and number pages as needed.
- **Applying for discounts on services shared by ALL outlets/branches in the library system (with or without site-specific services as well):** Complete columns 1-4 PLUS 10c below.
- **Applying for discounts on different shared services that are shared by different groups of outlets/branches:** Complete one worksheet, columns 1-4 PLUS 10c, for EACH different group of outlets/branches sharing a service. Designate this worksheet B-1, B-2, B-3, etc.

10b List entities and calculate discount(s).

Library System Name: Puerto Rico Department of Education

Library System Entity Number: 205387

| 1 Name of Eligible Library (outlet/branch) | 2 Entity Number 1-10 digits) | 3 Name of School District in which outlet/branch in Column 1 is located | 4 Discount % from Discount Matrix |
|--|------------------------------------|---|---|
| Colegio San Antonio | 205387 | Puerto Rico Department of Education | 90% |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total for calculating Shared Discount | | | 90% |

10c Shared Discount % (Col. 4 total divided by # of outlets/branches in Col. 1. Round to nearest %)

→ 90%



Entity Number 205387

Applicant's Form Identifier ^{JJs}

Contact Person James J. Santos

Phone Number (787)872-2406

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as necessary, and number the completed pages to assure that they are all processed correctly.

Block 5, page 1 of 2

FRN #

(to be assigned by administrator)

11 Category of Service (only ONE category should be checked)

Telecommunications Service

Internet Access

Internal Connections

12 Form 470 Application Number (15 digits)

718480000481554

13 SPIN - Service Provider Identification Number (9 digits)

143006644

14 Service Provider Name

Hispanic Information And Telecommunications Network, Inc

15 Contract Number (if available: use "T" if tariffed services, "MTM" if month-to-month services as described in Instructions)

MTM

16 Billing Account Number (e.g., billed telephone number)

N/A

17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy)
(based on Form 470 filing)

01/09/2004

18 Contract Award Date (mm/dd/yyyy)

01/28/2004

19a Service Start Date (mm/dd/yyyy)

07/01/2004

19b Service End Date (mm/dd/yyyy)

(use only for "T" or "MTM" services) 6/30/2005

20 Contract Expiration Date

(mm/dd/yyyy)

6/30/2005

21 Description of This Service:

You MUST attach a description of the service, including a breakdown of components and costs, plus any relevant brand names. Label this description with an Attachment #, and note number in space provided.

Attachment #

TS-1

22 Entity/Entities Receiving This Service:

a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service:

205387

b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., A-1):

23 Calculations**A. Monthly \$ charges (total amount per month for service)**

\$1,150.00

B. How much of the \$ amount in (A) is ineligible?

\$00.00

C. Eligible monthly pre-discount amount (A minus B)

\$1,150.00

D. # of months service provided in program year

12

E. Annual pre-discount \$ amount for eligible recurring charges (C x D)

\$13,800.00

F. Annual non-recurring (one-time) \$ charges

\$20,745.00

G. How much of the \$ amount in (F) is ineligible?

\$00.00

H. Annual eligible pre-discount \$ amount for one-time charges (F minus G)

\$20,745.00

I. Total program year pre-discount \$ amount (E + H)

\$34,545.00

J. % discount (from Block 4 Worksheet)

90%

K. Funding Commitment \$ Request (I x J)

\$31,090.50

Recurring Charges

Non-Recurring Charges

Total Charges



Entity Number 205387

Applicant's Form Identifier JJs

Contact Person James J. Santos

Phone Number (787)872-2406

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as necessary, and number the completed pages to assure that they are all processed correctly.

Block 5, page 2 of 2

FRN #

(To be assigned by administrator)

11 Category of Service (only ONE category should be checked)Telecommunications
ServiceInternet
AccessInternal
Connections**12 Form 470 Application Number (15 digits)**

718480000481554

13 SPIN - Service Provider Identification Number (9 digits)

143006644

14 Service Provider Name

Hispanic Information And Telecommunications Network, Inc

15 Contract Number (if available; use "T" if tariffed services, "MTM" if month-to-month services as described in Instructions)

MTM

16 Billing Account Number (e.g., billed telephone number)

N/A

17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy)
(based on Form 470 filing)

01/09/2004

18 Contract Award Date (mm/dd/yyyy)

01/28/2004

19a Service Start Date (mm/dd/yyyy)

07/01/2004

19b Service End Date (mm/dd/yyyy)

(use only for "T" or "MTM" services) 6/30/2005

20 Contract Expiration Date

(mm/dd/yyyy)

6/30/2005

23 Calculations

Recurring Charges

A. Monthly \$ charges (total amount per month for service)

\$935.00

B. How much of the \$ amount in (A) is ineligible?

\$00.00

C. Eligible monthly pre-discount amount (A minus B)

\$935.00

D. # of months service provided in program year

12

E. Annual pre-discount \$ amount for eligible recurring charges (C x D)

\$11,220.00

F. Annual non-recurring (one-time) \$ charges

\$6,995.00

G. How much of the \$ amount in (F) is ineligible?

\$00.00

H. Annual eligible pre-discount \$ amount for one-time charges (F minus G)

\$6,995.00

Non-Recurring Charges

I. Total program year pre-discount \$ amount (E + H)

\$18,215.00

Total Charges

J. % discount (from Block 4 Worksheet)

90%

K. Funding Commitment \$ Request (I x J)

\$16,393.50

21 Description of This Service:

You MUST attach a description of the service, including a breakdown of components and costs, plus any relevant brand names. Label this description with an Attachment #, and note number in space provided.

Attachment #

IA-1

22 Entity/Entities Receiving This Service:

- a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service:
- b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., A-1):

205387



Entity Number 205387

Applicant's Form Identifier ^{JJs}

Contact Person James J. Santos

Phone Number (787)872-2406

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as necessary, and number the completed pages to assure that they are all processed correctly.

Block 5, page 3 of 3

FRN #

(to be assigned by administration)

11 Category of Service (only ONE category should be checked)Telecommunications
ServiceInternet
AccessInternal
Connections**12 Form 470 Application Number (15 digits)**

718480000481554

13 SPIN - Service Provider Identification Number (9 digits)

143006644

14 Service Provider Name

Hispanic Information And Telecommunications Network, Inc

15 Contract Number (if available; use "T" if tariffed services, "MTM" if month-to-month services as described in Instructions)

MTM

16 Billing Account Number (e.g., billed telephone number)

N/A

17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy)
(based on Form 470 filing)

01/09/2004

18 Contract Award Date (mm/dd/yyyy)

01/28/2004

19a Service Start Date (mm/dd/yyyy)

07/01/2004

19b Service End Date (mm/dd/yyyy)
(use only for "T" or "MTM" services)

6/30/2005

20 Contract Expiration Date

(mm/dd/yyyy)

6/30/2005

23 Calculations**A. Monthly \$ charges (total amount per month for service)**

\$00.00

B. How much of the \$ amount in (A) is ineligible?

\$00.00

C. Eligible monthly pre-discount amount (A minus B)

\$00.00

D. # of months service provided in program year

0

E. Annual pre-discount \$ amount for eligible recurring charges (C x D)

0

F. Annual non-recurring (one-time) \$ charges

\$5,369.00

G. How much of the \$ amount in (F) is ineligible?

\$00.00

H. Annual eligible pre-discount \$ amount for one-time charges (F minus G)

\$5,369.00

I. Total program year pre-discount \$ amount (E + H)

\$5,369.00

J. % discount (from Block 4 Worksheet)

90%

K. Funding Commitment \$ Request (I x J)

\$4,832.10

Recurring Charges

Non-Recurring Charges

Total Charges

21 Description of This Service:

You MUST attach a description of the service, including a breakdown of components and costs, plus any relevant brand names. Label this description with an Attachment #, and note number in space provided.

Attachment #

IC-1

22 Entity/Entities Receiving This Service:

- a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service :
- b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., A-1):

205387



Entity Number 205387Applicant's Form Identifier IJsContact Person James J. SantosPhone Number (787)872-2406**Block 6: Certifications and Signature**

24 The entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

- a schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary and secondary schools, colleges, or universities.

25 The entities listed on this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections, necessary to make effective use of the services purchased, as well as to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

26 All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- a ☒ an individual technology plan for using the services requested in this application; and/or
- b higher-level technology plan(s) for using the services requested in this application; or
- c no technology plan needed; applying for basic local and long distance telephone service only.

27 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a technology plan(s) has/have been approved; and/or
- b ☒ technology plan(s) will be approved by a state or other authorized body; or
- c no technology plan needed; applying for basic local and long distance telephone service only.

28 I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.

29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30 I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31 I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32 I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true



Entity Number 205387

Applicant's Form Identifier JJs

Contact Person James J. Santos

Phone Number (787)872-2406

34. Signature of authorized person

35. Date

January 30, 04

36. Printed name of authorized person

Sister Ida Neyron, O.P.

Ida Negron

37. Title or position of authorized person

Director of School

38a. Street Address, P.O. Box, or Route Number

Po box 897

City

Isabela

State

Zip Code

PR

00662

38b. Telephone number of authorized person

Extension

38c. Fax number of authorized person

(787)872-2406

(787)872-2406

38d. E-mail address of authorized person

colsanan@prtc.net

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

| | | | |
|----------------|-----------------|-----------------------------|---------------|
| Entity Number | 205387 | Applicant's Form Identifier | JJ's |
| Contact Person | James J. Santos | Phone Number | (787)872-2406 |

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD-Form 471
c/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**



| Item 21 Attachment : Telecommunication Services | | | | |
|--|---|------------------|--------------------------------------|----------------------|
| Applicant: Colegio San Antonio BEN: 205387 | | | Attachment: TS-1 Application: JJs | |
| Description: | Satellite Distance Learning Network Service (School to provide Audio/Video content). High speed network for transmission of audio and video content, video conferencing and other distance learning technologies. | | | |
| Quantity | Product or Service Description | Unit Cost | Extended Pre-Discount Cost | |
| | | | Recurring | Non-Recurring |
| 12 | Monthly network access service for distance learning applications | \$1,150.00 | \$13,800.00 | |
| 1 | Installation cost for above includes programming and network configuration | \$995.00 | | \$995.00 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | Total: | \$13,800.00 | \$995.00 |

The customer (defined as school or library) shall have no option to purchase the on-premises equipment which shall be maintained by HITN and returned to HITN at the end of the service term and at no time ever change ownership. HITN grants the customer non-exclusive use of the equipment for the sole purpose of receiving the services. The customer shall not use the on-premises equipment for any purpose other than the receipt of telecommunication services provided by HITN. The service includes only the basic telecommunications circuit up to a maximum of 20 hours per month and does not include end user equipment or any content to be provided over the circuit

Item 21 Attachment : Internet Access

Applicant: Colegio San Antonio,
BEN: 205387

Attachment IA-1
Application JJs

Description: High speed two-way satellite based secure Internet access solution

| Quantity | Product or Service Description | Unit Cost | Extended Pre-Discount Cost | |
|----------|--|---------------|----------------------------|-------------------|
| | | | Recurring | Non-Recurring |
| 12 | Monthly Internet basic conduit access service which includes: Up to 2Mbps access with address translation security and 10 premium service email accounts. Web Hosting space - Basic package (300MB disk space, 20GB Monthly transfer, firewall protection service, daily tape backup). | \$885.00 | \$10,620.00 | |
| 1 | VSAT Integrated Internet access router and antenna which includes: 1.8Meter C-Band Antenna w/mast and 5watt ViaSAT Linkstar router | \$5,850.00 | | \$5,850.00 |
| 1 | Installation cost for above includes programming of the router and communications server of the institution with an IP address and the specific HITNet network configurations. | \$1,095.00 | | \$1,095.00 |
| 1 | Installation cost for web hosting | \$50.00 | | \$50.00 |
| 12 | 64 Kbps backup data circuit | \$50.00 | \$600.00 | |
| | | | | |
| | | | | |
| | | Total: | \$11,220.00 | \$6,995.00 |

The customer (defined as school or library) shall have no option to purchase the on-premises equipment which shall be maintained by HITN and returned to HITN at the end of the service term and at no time ever change ownership. HITN grants the customer non-exclusive use of the equipment for the sole purpose of receiving the services. The customer shall not use the on-premises equipment for any purpose other than the receipt of telecommunication services provided by HITN.

| Item 21 Attachment : Telecommunication Services | | | | |
|--|--|---------------|---|---------------|
| Applicant: Colegio San Antonio , BEN: 205387 | | | Attachment TS-1 Application JJs | |
| Description: Satellite Distance Learning Network Service (School to provide Audio/Video content). High speed network for transmission of audio and video content, video conferencing and other distance learning technologies. | | | | |
| Quantity | Product or Service Description | Unit Cost | Extended Pre-Discount Cost Recurring | Non-Recurring |
| 12 | Monthly network access service for distance learning applications | \$1,150.00 | \$13,800.00 | |
| 1 | Upgrade to 2.4Meter C-Band antenna with mounting mast | \$2,050.00 | | \$2,050.00 |
| 1 | Installation cost for above includes programming and network configuration | \$1,700.00 | | \$1,700.00 |
| 1 | Encoder Mpeg-4 Envivio modelo 4Caster 3500 | \$16,995.00 | | \$16,995.00 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | Total: | \$13,800.00 | \$20,745.00 |

The customer (defined as school or library) shall have no option to purchase the on-premises equipment which shall be maintained by HITN and returned to HITN at the end of the service term and at no time ever change ownership. HITN grants the customer non-exclusive use of the equipment for the sole purpose of receiving the services. The customer shall not use the on-premises equipment for any purpose other than the receipt of telecommunication services provided by HITN. The service includes only the basic telecommunications circuit up to a maximum of 20 hours per month and does not include end user equipment or any content to be provided over the circuit

**SAN ANTONIO
EXHIBIT C**

**SAN ANTONIO APPEAL
FILED WITH USAC
SCHOOLS AND LIBRARIES DIVISION**



Colegio San Antonio

Box 897
Isabela, Puerto Rico 00662
TEL. 872-2406

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

RE: APPEAL of SLD decision

To Whom It May Concern:

My name is James Santos and I am writing on behalf of Colegio San Antonio de Isabela, as it's representative.

Our institutions **Applicant form Identifier is JJS.**
Our **Form 471 Application number is 434925.**
Our **Bill Entity Number is 205387.**

The Funding year is **2004 (July 1, 2004 – June 30, 2005)**

The Form 471 Rejection letter dated February 26, 2004 and received by institution on March 10, 2004 states the following for its rejection:

- **The form 471 submitted does not include at least one complete Block 4 Worksheet relevant to the "Type of Application" as selected in Block 1, Item 5. At least one Block 4 Worksheet relevant to the "Type of Application" must not be missing any information. If the applicant type is school or school district, a completed Block 4 Worksheet A must be submitted.**

In looking at the information provided us by the SLD in their determination, we found that we erred in providing the correct Block 4 form. Since the service we are requesting is for our school library, we submitted the **Block 4: Discount Calculation Worksheet B for Libraries**. We needed to provide **Block 4: Discount Calculation Worksheet A for Schools/School Districts**.

We have enclosed a copy of **Form 471**, which was submitted and returned to us with the mistake circled, for your consideration. We have also enclosed **Form 471**, with the corrected **Block 4: Discount Calculation Worksheet A for Schools/School Districts** information, which was mailed to the SLD.

Page 2

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

In years past we have had a School Consortium fill out this information for us. However due to money constrains, this year we filled it out. We ask that your organization reconsider it's decision not to continue with the application process and allow this application to move forward with the corrected information in order that our schools can benefit from this much needed service.

We ask that you **PLEASE** not penalize us for our lack of experience in completing this form.

We await your prompt response to our appeal.

We remain at your service,

James J Santos
School Technology Administrator
Colegio San Antonio de Isabela

Sister Ida Negron
School Director
Colegio San Antonio



Colegio San Antonio

Box 897

Isabela, Puerto Rico 00662

TEL. 872-2406

SLD Form 471
C/O Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046

To Whom It May Concern:

On March 15, 2004 Colegio San Antonio received a letter for USAC dated February 26, 2004 indicating that we our application would not be processed because of the error which was detected. The error as indicated in the letter reads as follows:

- The form 471 submitted does not include a least one complete Block 4 worksheet relevant to the "type of Application" as selected in Block 1, Item 5. At least one Block 4 Worksheet relevant to the "Type of Application" must not be missing any information.
- If the application type is a school or school district, a completed Block 4 Worksheet A must be submitted.

We have identified the mistake. Please understand that this is the first time we are filling out this very important form. Because we offer the service requested in our library, we selected the worksheet for the library. We were supposed to have selected the worksheet for School or School District.

We have followed the steps taken as informed to us by the USAC Service Representation who assigned us a case number. We are resubmitting our 471 with the correct Worksheet along with the Worksheet, which was rejected, in order for the SLD to continue processing our application.

We have also send the letter of appeal to the Schools and Libraries Division as indicated in your letter.

We trust that in doing this; our application will be processed in a timely fashion whereby our students can continue receiving the much-needed services.

We remain at your service,

James Santos
School Technology Administrator
Colegio San Antonio

Sister Ida Negron
School Director
Colegio San Antonio

**SAN ANTONIO
EXHIBIT D**

SLD FORM 471 REJECTION LETTER



Universal Service Administrative Company
Schools & Libraries Division

FORM 471 REJECTION LETTER
FUNDING YEAR 2004 (July 1, 2004 - June 30, 2005)

February 26, 2004

JAMES J. SANTOS
COLEGIO SAN ANTONIO
PO BOX 897 CALLE CORCHADO #26
ISABELA, PR 00662

Re: Applicant's Form Identifier: JJS
Form 471 Application Number: 434925

Dear JAMES J. SANTOS:

This letter is your notification that the entire FCC Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards. Therefore we are returning your FCC Form 471 with this letter, which means that the Schools and Libraries Division (SLD) could not process it. The Form 471 Instructions list the Minimum Processing Standards. Here is an explanation of the specific reason(s) your Form 471 did not meet the Minimum Processing Standards:

- The Form 471 submitted does not include at least one complete Block 4 Worksheet relevant to the "Type of Application" as selected in Block 1, Item 5. At least one Block 4 Worksheet relevant to the "Type of Application" must not be missing any information.
- If the application type is school or school district, a completed Block 4 Worksheet A must be submitted.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from this letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.

4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of the electronic filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

Enclosure:

(1) Form 471

**SAN ANTONIO
EXHIBIT E**

**CONSORCIO DE ESCUELAS Y BIBLIOTECAS
REQUEST FOR REVIEW**

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

RECEIVED - FCC

In the matter of:

Request for Review by the Consorcio
de Escuelas Y Bibliotecas de Puerto Rico
of Decisions of the Universal Service
Administrative Company

Federal-State Board on Universal Service

Changes to the board of Directors of the
National Exchange Carrier Association, Inc.

Schools and Libraries Universal Service
Support Mechanism

Biblioteca Municipal Rincon, Luis Murioz Martin

Biblioteca Municipal de Juncos, Jose M. Gallado

Biblioteca Electronica Dr. Carlos Hernandez Rodrig)

Biblioteca Publica Aguada

Biblioteca de la Ciudad Rosa M. Sanchez

Biblioteca Publica Camuy, Barrio Quebrada

Biblioteca Publica Coamo, Julio Rivera Bermudez

Biblioteca Publica Gurabo Jose Emilio Gonzalez

Biblioteca Publica Loiza

Biblioteca Municipal Mayaguez, El Mani

Biblioteca Publica Ceiba, Alejandrina Quinonez

Biblioteca Publica Hatillo

Biblioteca Publica Humacao, Antonio A. Roig

Biblioteca Publica Maunabo, Rafael

Rodriguez Gonza

Biblioteca Publica Rio Grande

Biblioteca Publica Jayuya, Nemesio R. Canales

Academia Alexandra

Colegio San Jose

Biblioteca Publica Sabana Grande, Augusto Malaret

Biblioteca Publica LaJas, La Parguera

Biblioteca Municipal Caguas

Dr. Pedro Albizu Campo

Biblioteca Publica Santa Isabel, Pedro M. Alomar

Biblioteca Municipal De Cayey

Biblioteca Publica Adjuntas

JAN 23 2004

Federal Communication Commission
Bureau / Office Secretary

CC Docket No. 96-45

CC Docket No. 97-21

CC Docket No. 02-6

Application No. 327608

Application No. 327616

Application No. 329112

Application No. 329147

Application No. 329153

Application No. 329226

Application No. 329245

Application No. 329315

Application No. 329318

Application No. 329323

Application No. 329330

Application No. 329336

Application No. 329357

Application No. 329361

Application No. 329400

Application No. 329404

Application No. 329415

Application No. 329454

Application No. 329491

Application No. 329519

Application No. 329584

Application No. 329590

Application No. 329609

Application No. 329630

| | | |
|--|---|------------------------|
| Biblioteca Publica Anasco |) | Application No. 329656 |
| Biblioteca Publica Municipal Computadorizada |) | Application No. 329675 |
| Biblioteca Municipal de Corozal, Teofilo Maldonado |) | Application No. 329683 |
| Liceo Aguadillano, Inc. |) | Application No. 329700 |
| Biblioteca Publica de Area Ciales |) | Application No. 329707 |
| Biblioteca Publica Isabella, Candido Bernal |) | Application No. 329741 |
| Biblioteca Municipal de Mayaguez |) | Application No. 329773 |
| Biblioteca Publica Yauco |) | Application No. 329778 |
| Biblioteca Publica de Area Arecibo |) | Application No. 329863 |
| Biblioteca Municipal Las Piedras Aurea M. Perez |) | Application No. 329870 |
| Colegio Catolico Notre Dame Secundario |) | Application No. 329881 |
| Biblioteca Publica Toa Baja |) | Application No. 329928 |
| Biblioteca Publica Penuelas |) | Application No. 329940 |
| Piaget Bilingual Academy of Manati, Inc. |) | Application No. 329967 |
| Biblioteca Publica Aguas Buenas |) | Application No. 329975 |
| Biblioteca Publica Arroyo |) | Application No. 329978 |
| Biblioteca Electronica Municipio de Aibonito |) | Application No. 329982 |
| Biblioteca Municipal de Hormigueros |) | Application No. 329986 |
| Biblioteca Municipal de Bayamon Pilar Barboza |) | Application No. 329990 |
| Biblioteca Publica Toa Baja, Jaime Fonalledas Garr |) | Application No. 330045 |
| Colegio Presbiteriano San Sebastian |) | Application No. 330178 |
| Biblioteca Publica Villalba |) | Application No. 330454 |
| Colegio Marrimee, Inc. |) | Application No. 330580 |
| Biblioteca Publica Salinas, Clemencia Philemon Vda |) | Application No. 331495 |
| Biblioteca Publica Guayanilla |) | Application No. 331546 |

To: Wireline Competition Bureau

REQUEST FOR REVIEW

Pursuant to Sections 54.719(c) and 54.721 of the Commission's rules, 47 C.F.R. Sections 54.719(c) and 54.721, the above-referenced applicants ("Applicants") and the Consorcio de Escuelas y Bibliotecas de Puerto Rico ("CEBPR") request review of the attached action (Exhibit A) of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company, dated November 24, 2003, denying all requests for funding contained the above-referenced applications.

IV. The Denial of Certain FRNs Because of the Funding Cap Violated FCC Rules.

Certain FRNs (specifically 11 in number) were denied for reason that “[g]iven demand, the funding cap will not provide for Internal Connections at your approved discount level [as corrected by SLD] to be funded.”¹⁰ Previously, the Form 470 applications of three other CEBPR members had been denied in part for this reason and an appeal, filed December 6, 2002, of those denials is currently pending before the SLD. The pertinent sections of that pending appeal are attached as Exhibit G and incorporated by reference herein. As the appeal has now been pending before SLD for more than one year with no action, CEBPR requests that it now be resolved by the FCC in the context of this present request for review.

For schools, Section 54.505(b)(1) of the Commission’s rules expressly provides that the discount percentage “shall be measured by the percentage of their student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally approved alternative mechanism.” The rule further gives the school the option of using either the percentage of eligible students in the specific school or school district. Similarly, for libraries, Section 54.505(b)(2) expressly provides that the library shall use the percentage of students “in the public school district in which they are located.” If not located in a specific school district, the library shall use the percentage based on an average of eligible students “in each of the school districts that children living in the library’s location attend.” These rules require that the discount percentage be based on the student population in the discrete area served by the school or library.

¹⁰ Exhibit A, pp. 90, 92, 176, 178, 192, 193, 194, 227, 228, 229 and 237.

In contravention of these requirements, the SLD admittedly used region-wide data to calculate the discount percentage. According to information received from the Puerto Rico Department of Education, there are 84 school districts in Puerto Rico which are grouped into 11 administrative regions. It is this latter “regional weighted discount rate, which is what the SLD uses to determine the discount rate of public libraries.”¹¹ Moreover, not only is the wrong region-wide measurement area used, but also the validity of the regional-wide data is in question. According to information received by CEBPR from the Puerto Rico Department of Education, PRDOC considers the region-wide data flawed because it is based on the number of students who actually participate in the school lunch program, rather than the number of students eligible to participate.

CEBPR recognizes that the determination of the correct discount rate in Puerto Rico presents some unique issues because, under local Puerto Rico law, all students are considered eligible for the national school lunch program. It is just for this reason that, as set forth in Exhibit G, CEBPR requested clarification from USAC of the correct factors and procedures to be used in the calculation of the correct discount rate.¹² Not only was such clarification not forthcoming, but also the attached denials then used the one measurement base (regional-wide data) which is not permitted by FCC rules.

V. Denial Inconsistent and Inadequately Explained.

The denial of the applications by SLD contained an inadequate explanation of the basis for the denial. Fundamental to any system of decision-making is a requirement that

¹¹ See Exhibit G, 8/16/02 e-mail from Adolfo Arauz, SLD; and 8/21/02 e-mail to Adolfo Arauz, SLD.

¹² See Exhibit G, Letter from Ramsey L. Woodworth, Esquire to D. Scott Barash, Esquire, dated October 2, 2002.